# AIR QUALITY PERMIT

Issued To: Schellinger Construction Co., Inc.
P.O. Box 39
Columbia Falls, Montana 59912

Permit #3261-00
Application Deemed Complete: 04/15/03
Preliminary Determination Issued: 05/22/03
Department Decision Issued: 06/09/03
Final Permit: 06/25/03
AFS #777-3261

An air quality permit, with conditions, is hereby granted to Schellinger Construction Co., Inc. (Schellinger), pursuant to Section 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

Section I: Permitted Facilities

A. Permitted Equipment

Schellinger operates a portable batch asphalt plant with attached baghouse, and associated equipment. A list of permitted equipment is included in Section I.A of the Permit Analysis.

B. Location

Shellinger operates the portable batch asphalt plant at various locations throughout Montana. The plant will initially locate at the NW ¼ of the SE ¼ and the NE ¼ of the SW ¼ of Section 36, Township 30 North, Range 21 West, in Flathead County, Montana (Jellison Pit). Permit #3261-00 applies while operating in any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit will be required for locations within Missoula County.*

Section II: Conditions and Limitations

A. Emissions Limitations

1. Asphalt plant particulate matter emissions shall be limited to 0.04 grains per dry standard cubic foot (gr/dscf) (ARM 17.8.340 and 40 CFR 60, Subpart I).

2. Schellinger shall not cause or authorize to be discharged into the atmosphere from the asphalt plant, stack emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

3. Schellinger shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage

systems associated with emission control systems, any visible emissions that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

4. Schellinger shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308 and ARM 17.8.752).

5. Schellinger shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.4 (ARM 17.8.749 and ARM 17.8.752).

6. A baghouse for air pollution control, with a device to measure the pressure drop (magnehelic gauge, manometer, etc.), must be installed and maintained. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained. Pressure drop on the control device and temperature must be recorded daily and kept on site according to Section II.C.2 (ARM 17.8.752).

7. Once a stack test is performed, the asphalt plant production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).

8. Asphalt plant production shall not exceed 1,082,250 tons during any rolling 12-month time period (ARM 17.8.749).

9. Schellinger shall not operate more than one diesel generator at any given time and the maximum rated design capacity shall not exceed 520 kW (ARM 17.8.749).

10. Operations of the diesel generator shall not exceed 2,405 hours during any rolling 12-month time period (ARM 17.8.749).

11. Schellinger shall only use natural gas, fuel oil, and waste oil to fire the drum dryer (ARM 17.8.749).

12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Schellinger, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

13. Schellinger shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart I, as it applies to this asphalt operation (ARM 17.8.340 and 40 CFR 60, Subpart I).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an Environmental Protection Agency (EPA) Methods 1-5 source test shall be performed on the asphalt plant to demonstrate compliance with Section II.A.1, and an EPA Method 9 opacity test shall be performed in conjunction with all particulate tests to demonstrate compliance with the conditions specified in II.A.2 and II.A.3, after the initial compliance source tests. Additionally, EPA Methods 1-5 and 9 source test shall be conducted on an every-4-year basis or according to another testing/monitoring schedule as may be approved by the Department (ARM 17.8.106 and ARM 17.8.749).

2. Pressure drop across the control device and temperature must be recorded daily and kept on site according to Section II.C.2 (ARM 17.8.749).

3. Pressure drop across the control device and temperature must be recorded during the test and reported as part of the compliance source test results (ARM 17.8.749).

4. All source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

5. Since asphalt production will be limited to the average production rate during the compliance source test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).

6. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this asphalt plant is moved to another location, an Intent to Transfer Form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area where the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).

2. Schellinger shall maintain on-site records showing daily hours of operation, daily production rates, and daily pressure drop and temperature readings for the last 12 months. The records compiled in accordance with this permit must be maintained by Schellinger as a permanent business record for at least 5 years following the date of the measurement, must be available for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).

3. Schellinger shall document, by month, the production from the asphalt plant. By the 25$^{th}$ day of each month, Schellinger shall total the daily production of asphalt during the previous 12 months to verify compliance with the limitation in Section II.A.8. A written report of the compliance

verification shall be submitted along with the annual emission inventory (ARM 17.8.749).

4. Schellinger shall document, by month, the hours of operation from the diesel generator. By the 25th day of each month, Schellinger shall total the daily hours of operation during the previous 12 months to verify compliance with the limitation in Section II.A.10. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).

5. Schellinger shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

   Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

6. Schellinger shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745(1), that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit.

   The notice must be submitted to the Department, in writing, 10 days prior to start-up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d)(ARM 17.8.745).

7. Schellinger shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted with the annual emissions inventory information (ARM 17.8.1204).

Section III: Addendum

Schellinger shall comply with all conditions in Addendum 1 to this permit as appropriate (ARM 17.8.749).

Section III: General Conditions

A. Inspection - Schellinger shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if Schellinger fails to appeal as indicated below.

C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Schellinger of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq*. (ARM 17.8.756).

D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401 *et seq*., MCA.

E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section.

F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked.

H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay by Schellinger of an annual operation fee may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.

I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.

J. Schellinger shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS
Schellinger Construction Co., Inc.
Permit # 3261-00

I. Introduction/Process Description

A. Permitted Equipment

Schellinger Construction Co., Inc. (Schellinger) operates a portable 1986 CMI-Caterpillar drum-mix asphalt plant with a maximum capacity of 450 tons per hour (TPH), fired on natural gas, fuel oil, and waste oil and an attached 1993 CMI Roto-Aire baghouse; a diesel generator (up to 520 kilowatts (kW)); oil fired asphalt heater (10 gallons/hour); and associated equipment.

B. Process Description

A typical operation begins by loading the aggregate and recycled asphalt product into cold feed bins by a front-end loader or similar piece of equipment. Material is dispensed from the bins, transported via an incline conveyor through a scalping screen, transported up to the weigh conveyor and into the rotary drum dryer/mixer. Material travels through the rotating drum where it is heated and asphalt oil is added and mixed together. A baghouse is used to control particulate emissions from the asphalt drum dryer/mixer and the hot-mix asphalt is conveyed from the asphalt drum to a storage silo, batched into trucks, and taken to the project site.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations, or copies where appropriate.

A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary, using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the

Clean Air Act of Montana, 75-2-101, *et seq*., Montana Code Annotated (MCA).
Schellinger shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation, or to continue for a period greater than 4 hours.

5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for $PM_{10}$

Schellinger must comply with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule states that no person may cause or authorize to be discharged to an outdoor atmosphere from any source installed after November 23, 1968, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Schellinger shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.

4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.

5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.

6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.

7. ARM 17.8.340 Standard of Performance for New Stationary Sources. The owner and operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the standards and provisions of 40 CFR Part 60. This facility is an NSPS affected facility under 40 CFR Part 60, Subpart A (General Provisions) and Subpart I (Standards of Performance of Hot Mix Asphalt Facilities) because the facility was constructed after June 11, 1973; therefore, the facility is subject to the requirements of 40 CFR Part 60, Subpart A and Subpart I.

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that Schellinger submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Schellinger submitted the appropriate permit application fee as required for the current permit action.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

   An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions which pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air

Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, modify, or use any asphalt plant, crusher, or screen that has the potential to emit greater than 15 tons per year of any pollutant. Schellinger has the potential to emit more than 15 tons per year of total particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$), oxides of nitrogen ($NO_x$), volatile organic compounds (VOC), carbon monoxide (CO), oxides of sulfur ($SO_x$); therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit Program.

4. ARM 17.8.745 Montana Air Quality Permits—Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that are not subject to the Montana Air Quality Permit Program.

5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. This rule requires that a permit application be submitted prior to installation, modification, or use of a source. Schellinger submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Schellinger submitted an affidavit of publication of public notice for the March 30, 2003, issue of *the Daily Inter Lake*, a newspaper of general circulation in the Town of Kalispell in Flathead County, as proof of compliance with the public notice requirements.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the

location of the source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Schellinger of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*.

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.

11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of Schellinger, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer, including a Transfer of Location notice and an affidavit of publication from a newspaper of general circulation in the area to be affected. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications--Source Applicability and Exemptions. The requirements

contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and it does not have the potential to emit 250 tons per year or more (excluding fugitive emissions) of any air pollutant.

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:

   a. Potential to Emit (PTE) > 100 tons/year of any pollutant;

   b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or a lesser quantity as the Department may establish by rule; or

   c. PTE > 70 tons/year of $PM_{10}$ in a serious $PM_{10}$ nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3261-00 for Schellinger, the following conclusions were made:

   a. The facility's permitted PTE is less than 100 tons/year for any pollutant.

   b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.

   c. This source is not located in a serious $PM_{10}$ nonattainment area.

   d. This facility is not subject to any current NESHAP standards.

   e. This facility is subject to current NSPS standards (40 CFR 60, Subpart A General Provisions, and Subpart I, Standards of Performance of Hot Mix Asphalt Facilities).

   f. This source is not a Title IV affected source nor a solid waste combustion unit.

   g. This source is not an EPA designated Title V source.

   Schellinger is not subject to Title V Operating Permit requirements because their potential emissions are less than the Title V threshold. However, if minor sources subject to NSPS are required to obtain a Title

V Operating Permit, Schellinger will be required to obtain an Operating Permit.

h. The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations that limit the source's potential to emit.

i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's potential to emit... does not require the source to obtain an air quality operating permit.

ii. Any source that obtains a federally enforceable limit on potential to emit shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

The Department has determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207 Certification of Truth Accuracy and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) should contain certification by a responsible official of truth, accuracy, and completeness by a responsible official. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III. Emission Inventory

| | Tons/Year | | | | | |
|---|---|---|---|---|---|---|
| Source | PM | $PM_{10}$ | $NO_x$ | VOC | CO | $SO_x$ |
| 1993 CMI Drum Mix Asphalt Plant w/Baghouse | 14.81 | 7.40 | 29.76 | 17.32 | 70.35 | 31.39 |
| Elevator, Sceens, Bins, and Mixer | 20.29 | 16.23 | | | | |
| Cold Aggregate Handling | 27.06 | 21.65 | | | | |
| Asphalt | | | 0.66 | 0.34 | | 1.91 |
| Heater | | | | | | |
| Pile Forming | 2.27 | 1.08 | | | | |
| CAT Diesel Generator (up to 520 kW) | 1.84 | 1.84 | 25.99 | 2.07 | 5.60 | 1.76 |
| Haul Roads | 2.74 | 1.23 | | | | |
| Total | 69.01 | 49.43 | 56.41 | 19.73 | 75.95 | 35.06 |

*A complete emissions inventory for Permit #3261-00 is on file with the Department.

IV. Best Available Control Technology

A BACT determination is required for each new or altered source. Schellinger shall

install on the new or altered source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized.

Schellinger proposes to control particulate emissions from the 1986 CMI-Caterpillar drum-mix asphalt plant with baghouse. All visible emissions from the 1986 CMI-Caterpillar drum-mix asphalt are limited to 20% opacity. All asphalt particulate emissions are limited to 0.04 gr/dscf. Schellinger must take reasonable precautions to limit the fugitive emissions of airborne particulate matter on haul roads, access roads, parking areas, and the general plant property. The Department has determined that using the air bag filtering system to maintain compliance with the limitations in Sections II.B.1, II.B.2, and II.B.3 and using water and/or chemical dust supressant to comply with the reasonable precautions limitation will constitute BACT for this facility.

Because of the amount of $NO_x$, CO, VOC, and $SO_x$ emissions produced by the diesel generator, add-on controls would be cost prohibitive. Thus, the Department determined that no additional control would constitute BACT for the diesel generator. The control options selected have controls and control costs similar to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

Addendum #1
Schellinger Construction Co., Inc.
Permit #3261-00

An addendum to air quality Permit #3261-00, with conditions, is issued to Schellinger Construction Co., Inc. (Schellinger) pursuant to Sections 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.734, as amended, for the following:

I. Permitted Equipment:

On April 15, 2003, the Department of Environmental Quality (Department) received an application from Schellinger. The application requested an addendum and permit be established to allow the operation of a portable asphalt plant, including operation in or within 10 kilometers (km) of the following $PM_{10}$ nonattainment areas: Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte.

II. Seasonal and Site Restrictions

Addendum #1 applies to the Schellinger facility while operating at any location in or within 10 km of certain $PM_{10}$ nonattainment areas (Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte). Additionally, seasonal and site restrictions apply to the facility as follows:

A. During the winter season (October 1-March 31) – The only locations in or within 10 km of a $PM_{10}$ nonattainment area where Schellinger may operate are: 1) the NE ¼ of the SW ¼ of Section 23, Township 30 North, Range 21 West (A-1 Paving Hodgson Road Pit); 2) the NE ¼ of the NE ¼ of Section 26, Township 29 North, Range 22 West (Tutvedt Pit); 3) the NW ¼ of the NW ¼ of Section 31, Township 29 North, Range 21 West (NUPAC Pit); 4) the NW ¼ of the NW ¼ of Section 22, Township 29 North, Range 21 West (A-1 Paving Pit); 5) the N ½ of Section 21, Township 30 North, Range 21 West (Carlson Pit); 6) the S ½ of the SE ¼ of Section 31, Township 31 North, Range 22 West (Peschel Pit); 7) the NE ¼ and SE ¼ of the NW¼ of Section 9, Township 27 North, Range 21 West (Spoklie Pit); and 8) the NW ¼ of the SE ¼ and the NE ¼ of the SW ¼ of Section 36, Township 30 North, Range 21 West, in Flathead County, Montana (Jellison Pit).

B. During the summer season (April 1-September 30) – Schellinger may operate at any location in or within 10 kilometers of the Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte $PM_{10}$ nonattainment areas.

C. Schellinger shall comply with the limitations and conditions contained in Addendum #1 to Permit #3261-00 while operating in or within 10 km of any of the previously identified $PM_{10}$ nonattainment areas. Addendum #1 shall be valid until revoked or modified. The Department reserves the authority to modify Addendum #1 at any time based on local conditions of any future site. These conditions may include, but are not limited to, local terrain, meteorological conditions, proximity to residences or other businesses, etc.

III. Conditions and Limitations

A. Operational Requirements

1. Asphalt plant particulate matter emissions shall be limited to 0.04 grains per dry standard cubic feet (gr/dscf) (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).

2. All visible emissions from the asphalt plant stack shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

3. Schellinger shall not cause or authorize to be discharged into the atmosphere from any equipment, such as systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

4. Schellinger shall not cause or authorize to be discharged into the atmosphere from haul roads, access roads, parking lots, or the general plant area, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

5. Schellinger shall treat all unpaved portions of the haul roads, access roads, parking lots, and general plant area with water and/or chemical dust suppressant, as necessary to maintain compliance with the 10% opacity limitation contained in Section III.A.4 (ARM 17.8.749).

6. Asphalt plant production shall not exceed 540 tons during any rolling 24-hour time period (ARM 17.8.1204).

7. The hours of operation of the diesel generator shall not exceed 6 hours during any rolling 24-hour time period (ARM 17.8.1204).

B. Reporting Requirements

1. Schellinger shall provide the Department with written notification of job completion within 10 working days of job completion (ARM 17.8.749).

2. Schellinger shall provide written notice of relocation of the permitted equipment at least 15 days prior to the physical transfer of equipment (ARM 17.8.765).

3. Production information for the sites covered by this addendum must be submitted to the Department within 30 days of completion of the project. The information shall include (ARM 17.8.749):

a. Tons of asphalt produced;

b. Hours of operation;

c. Type (diesel or propane) and amount (gallons) of fuel used for the asphalt plant (hot mix dryer and asphalt heater);

d. Gallons of diesel fuel used for the diesel generator;

e. Fugitive dust information consisting of a listing of all plant vehicles, including the following for each vehicle type:

i. Number of vehicles
ii. Vehicle type
iii. Vehicle weight, loaded
iv. Vehicle weight, unloaded
v. Number of tires on vehicle
vi. Average trip length
vii. Number of trips per day per vehicle
viii. Average vehicle speed
ix. Area of activity
x. Vehicle fuel usage (gasoline and diesel) annual total

f. Fugitive dust control for haul roads and general plant area:

i. Hours of operation of water trucks
ii. Application schedule for chemical dust suppressant, if applicable.

Addendum #1 Analysis
Schellinger Construction Co., Inc.
Permit #3261-00

I. Permitted Equipment

Schellinger Construction Co., Inc. (Schellinger) owns and operates a portable asphalt plant with a maximum capacity of 450 tons per hour (TPH). Equipment used at the facility includes, but is not limited to the following:

A portable 1986 CMI-Caterpillar drum-mix asphalt plant (maximum capacity 450 TPH) fired on natural gas, fuel oil, and waste oil and having an attached 1993 CMI Roto-Aire baghouse; a diesel generator (up to 520 kilowatts (kW)); an oil fired asphalt heater (10 gallons/hour (gal/hr)); and associated equipment.

II. Source Description

A typical operation begins by loading the aggregate and recycled asphalt product into cold feed bins by a front-end loader or similar piece of equipment. Material is dispensed from the bins, transported via an incline conveyor through a scalping screen, transported up to the weigh conveyor and into the rotary drum dryer/mixer. Material travels through the rotating drum where it is heated and asphalt oil is added and mixed together. A baghouse is used to control particulate emissions from the asphalt drum dryer/mixer and the hot-mix asphalt is conveyed from the asphalt drum to a storage silo, batched into trucks, and taken to the project site.

III. Applicable Rules and Regulations

The following are partial quotations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

A. ARM 17.8.749 Conditions for Issuance of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

B. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.

C. ARM 17.8.765 Transfer of Permit. An air quality permit may be transferred from

one location to another if:

1. Written notice of Intent to Transfer location and proof of public notice are sent to the Department;

2. The source will operate in the new location for a period of less than 1 year; and

3. The source will not have any significant impact on any nonattainment area or any Class I area.

Schellinger shall submit proof of compliance with the transfer and public notice requirements when Schellinger transfers to any of the locations covered by this Addendum and will only be allowed to stay in the new location for a period of less than 1 year. Also, the conditions and limitations in Addendum #1 to Permit #3261-00 will prevent Schellinger from having a significant impact on particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$) nonattainment areas.

IV. Emission Inventory

| | Lbs/Day | | | | | |
|---|---|---|---|---|---|---|
| Source | PM | $PM_{10}$ | $NO_x$ | VOC | CO | $SO_x$ |
| 1993 CMI Drum Mix Asphalt Plant w/ Baghouse | 81.13 | 40.56 | 8.15 | 4.74 | 19.27 | 8.60 |
| Elevator, Sceens, Bins, and Mixer | 5.56 | 4.45 | | | | |
| Cold Aggregate Handling | 7.41 | 5.93 | | | | |
| Asphalt Heater | | | 3.62 | 1.84 | | 10.48 |
| Pile Forming | 0.62 | 0.30 | | | | |
| CAT Diesel Generator (up to 520 kW) | 10.11 | 10.11 | 142.43 | 11.35 | 30.69 | 9.65 |
| Haul Roads | 15.00 | 6.75 | | | | |
| Total | 119.83 | 68.10 | 154.20 | 17.93 | 49.96 | 28.73 |

- A complete emission inventory for Addendum #1 to Permit #3261-00 is on file with the Department.

V. Existing Air Quality

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$). Due to exceedances of the NAAQS for $PM_{10}$, the cities of Kalispell (and the nearby Evergreen area), Columbia Falls, Butte, Whitefish, Libby, Missoula, and Thompson Falls were designated by EPA as nonattainment for $PM_{10}$. As a result of this designation, EPA required the Department and the City-County Health Departments to submit $PM_{10}$ State Implementation Plans (SIP). The SIPs consisted of emission control plans that controlled fugitive dust emissions from roads, parking lots, construction, and demolition, since technical studies determined these sources to be the major contributors to $PM_{10}$ emissions.

Addendum #1 to Permit #3261-00 is for a portable asphalt plant to be located in or within 10 kilometers (km) of certain $PM_{10}$ nonattainment areas. The addendum applies for operating the permitted equipment during the summer season (April 1 through September 30) at the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte $PM_{10}$ nonattainment areas. The addendum also applies for operating the permitted equipment during the winter months (October 1 - March 1) at 8 specified locations in or within 10 km of the Kalispell, Columbia Falls, and Whitefish $PM_{10}$ nonattainment areas $PM_{10}$ nonattainment areas. Screen View modeling was used to establish production limits while operating at these wintertime locations, which would include the proposed initial site location (the Jellison Pit). Thus, the limitations and conditions established in Addendum 1 would further reduce emissions in these areas and would be protective of the ambient air quality standards. In addition, this source is portable and any air quality impacts will be minimal.

VI. Air Quality Impacts

Permit #3261-00 will cover the operations of this portable asphalt plant while operating at those areas, within Montana, classified as being in attainment with federal ambient air quality standards and those areas still undefined (not yet classified). In addition, Addendum #1 to Permit #3261-00 contains limitations and conditions that will be protective of the $PM_{10}$ nonattainment areas for both summertime (April 1 through September 30) and wintertime (October 1 - March 1) operations. Based on the information provided, and the conditions established in Permit #3261-00 and Addendum 1, the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standard for operating this permitted equipment in these areas.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 2-10-105, MCA, the Department conducted a private property taking and damaging assessment and has determined that there are no taking or damaging implications.

VIII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
P.O. Box 200901, Helena, Montana 59620
(406) 444-3490

**FINAL ENVIRONMENTAL ASSESSMENT (EA)**

*Issued For*: Schellinger Construction Co., Inc.
P.O. Box 39
Columbia Falls, MT 59912-0039

*Permit Number*: #3261-00

*Preliminary Determination Issued:* May 22, 2003
*Department Determination Issued*: June 9, 2003
*Permit Final:* June 25, 2003

1. *Legal Description of Site*: This permit is for the operation of a portable asphalt plant to be initially located at the NW¼ of the SE¼ and the NE¼ of the SW¼ of Section 36, Township 30 North, Range 21 West, in Flathead County, Montana. The facility will also be allowed to operate at any of the following locations in or within 10 km of the Kalispell, Whitefish, or Columbia Falls particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$) nonattainment areas (NAAs) during the winter months (October 1 through March 31): 1) the NE¼ of the SW¼ of Section 23, Township 30 North, Range 21 West (A-1 Paving Hodgson Road Pit); 2) the NE¼ of the NE¼ of Section 26, Township 29 North, Range 22 West (Tutvedt Pit); 3) the NW¼ of the NW¼ of Section 31, Township 29 North, Range 21 West (NUPAC Pit); 4) the NW¼ of the NW¼ of Section 22, Township 29 North, Range 21 West (A-1 Paving Mohl Pit); 5) the N½ of Section 21, Township 30 North, Range 21 West (Carlson Pit); 6) the S½ of the SE of Section 31, Township 31 North, Range 22 West (Peschel Pit); 7) the NE¼ of the SE¼ of NW¼ of Section 9, Township 27 North, Range 21 West (Spoklie Pit); and 8) the NW¼ of the SE¼ and the NE¼ of the SW¼ of Section 36, Township 30 North, Range 21 West (Jellison Pit). In addition, the facility will be able to operate at various locations throughout the Montana during the summer season (April 1 through September 30), which would include in or within 10 km of the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte $PM_{10}$ nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.*

2. *Description of Project*: The current permit action would allow the operation of a portable asphalt plant in or within 10 km of the following $PM_{10}$ NAAs: Libby, Kalispell, Whitefish, Columbia Falls, Thompson Falls, and Butte, as specified above. The process description is discussed in Section I.B of the permit analysis of Permit #3261-00.

3. *Objectives of Project*: Schellinger, in an effort to sustain business and revenue for the company, has submitted a request to permit a portable asphalt plant. Additionally, Schellinger requested to add additional wintertime locations to their addendum, in addition to the initially proposed operational site.

4. *Additional Project Site Information:* In many cases, the crushing/screening operation may move to a general site location or open cut pit, which has been previously permitted through the IEMB. If this were the case, a more extensive EA would have been conducted and would be found in the Mined Land Reclamation Permit for that specific site.

5. *Alternatives Considered*: In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Schellinger demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *Listing of Mitigation, Stipulations, and Other Controls*: A listing of the enforceable permit conditions and a permit analysis, including a Best Available Control Technology analysis, would be contained in Permit #3261-00. More stringent operational limitations, applicable to operation in or within 10 km of certain $PM_{10}$ NAAs, would be contained in Addendum 1.

7. *Regulatory Effects on Private Property Rights*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

8. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no action” alternative was discussed previously.

| | | Major | Moderate | Minor | None | Unknown | Comments Included |
|---|---|---|---|---|---|---|---|
| A. | Terrestrial and Aquatic Life and Habitats | | | X | | | yes |
| B. | Water Quality, Quantity, and Distribution | | | X | | | yes |
| C. | Geology and Soil Quality, Stability, and Moisture | | | X | | | yes |
| D. | Vegetation Cover, Quantity, and Quality | | | X | | | yes |
| E. | Aesthetics | | | X | | | yes |
| F. | Air Quality | | | X | | | yes |
| G. | Unique Endangered, Fragile, or Limited Environmental Resource | | | X | | | yes |
| H. | Demands on Environmental Resource of Water, Air, and Energy | | | X | | | yes |
| I | Historical and Archaeological Sites | | | X | | | yes |
| J. | Cumulative and Secondary Impacts | | | X | | | yes |

**SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL & BIOLOGICAL EFFECTS:** The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same areas in which the asphalt plant would operate. However, the asphalt operations would have limited production and hours of operation, and have seasonal and intermittent operations, so only minor effects to terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Only minor amounts of water would be used for pollution control on surrounding area, so little impact is expected upon aquatic life. Impacts on aquatic life from surface water runoff and pollutant control on the surrounding area would typically be minor. For the initial site location, surface water runoff would not be an issue because the facility would be operating in a depressed open cut pit developed below the surrounding land surface. Also, silt fences, straw bales and gravel berms would be used to protect the surrounding water resources at this site location. Additionally, fuel would be stored on site in a properly designed containment system. Finally, pollutant deposition would be minimal because the area of operation is relatively flat and the facility is a portable (temporary) source that has operational limitations that control facility emissions.

Birds may use the area surrounding the operational site. For the initial (proposed) operational site, there is a great blue heron rookery along the Flathead River, about 1 mile south of the Jellision pit. Cumulative impacts to the bird rookery would occur in conjunction with other operations in the area, but would be minor, as the Department limitations would affect the facility production and hours of operation. The facility would also be considered a minor source of air pollution and would be operating in a permitted open-cut pit. Additionally, conditions placed in Addendum 1 to Permit #3261-00 would limit any potential impacts to wildlife and the surrounding habitat in the nonattainment areas because only minor amounts of pollutant would be generated and only minimal pollutant deposition would accumulate on the surrounding area of operation. Further, Addendum 1 would include additional conditions and pollution control measures to protect the environment (habitat) when this facility is operating in or within 10 km of certain $PM_{10}$ NAAs in Montana.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation. However, the water used would only cause a minor disturbance to the area because only relatively small amounts of water would be needed. Minor surface water and ground water quality impacts would be expected as a result of using water for dust suppression because only small amounts of water would be required. Any accidental spills or leaks from equipment would be required to be handled according to the appropriate environmental regulations protective design and operational measures would be used to prevent impacts from spills or equipment leaks. For the initial site location, these measures would also include water monitoring for protection of the ground water. Thus, only minor effects to water quality, quantity, and distribution in the area would occur.

As described in Section 8.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. While air emissions and deposition of pollutants would occur, the Department determined that any impacts from deposition of pollutants

would be minor as a result of conditions placed in Permit #3261-00 and Addendum 1. Additionally, the operations would be intermittent and seasonal in nature. Thus, the small and intermittent amounts of deposition from the crushing/screening operations would have only minor impacts upon water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability, and Moisture

There would be minor impacts to the geology and soil quality, stability, and moisture near the asphalt plant operations due to the facility construction and use, the increase in vehicle traffic, the use of water for dust suppression, and the minor amounts of pollutant deposition resulting from the asphalt operations. Also, as explained in Section 8.F of this EA, the temporary nature of the operation and conditions placed in Permit #3261-00 and Addendum 1 would reduce the impacts from deposition. However, because the Industrial and Energy Minerals Bureau (in their EA for the Jellison Pit) has identified that there are no fragile, compactable, or unstable soils present and no unusual geologic features, there would be no impacts to the geology and soil quality, stability, and moisture from the asphalt plant operations.

D. Vegetation Cover, Quantity, and Quality

While there would be minor impacts on the quantity and quality of vegetation cover at the site due to vegetation disturbance, the final reclamation proposal for the site would further reduce the need for vegetation at the site if a "pond" were established. In addition, minor amounts of pollutant deposition would occur on the surrounding vegetation. However, as explained in Section 8.F of this EA, the Department determined that, due to the temporary nature of the operation, and conditions placed in Permit #3261-00 and Addendum 1, any impacts from the deposition of pollutants would be minor. Also, because the water usage for pollution control would be minimal (as described in Section 8.B) and the associated soil disturbance would be minimal (as described in Section 8.C), corresponding vegetative impacts would also be minimal.

E. Aesthetics

The asphalt plant operations and emissions would be visible and would create additional noise in the area. Permit #3261-00 would include conditions to control emissions (including visible emissions) from the plant. Since the asphalt plant operations are temporary and are a relatively minor source of air pollution with intermittent and seasonal operations, any impacts would be minor.

F. Air Quality

The air quality impacts from the asphalt plant operations would be minor because Permit #3261-00 would include conditions limiting the opacity from the plant, as well as requiring water spray bars to control air pollution. Water would be used on storage piles, haul roads, and the operational area to further reduce emissions when the plant is operating. Additionally, the facility is considered a minor source of air pollution and would have limited hours of generator operations, equipment production limits, temporary and seasonal use. The pollutant emissions at the site would be disbursed and would have minimal

deposition. In addition, Addendum 1 to Permit #3261-00 would include more stringent limitations for any operations taking place in or within 10 km of the certain $PM_{10}$ NAAs in Montana and these limits would be protective of the NAAQS/MAAQS. Therefore, associated air quality impacts upon these areas of operation would be minor, seasonal, and temporary.

The operations would be limited by Permit #3261-00 to total emissions of 250 tons/year or less from non-fugitive sources at the plant, including emissions from any Schellinger equipment operated simultaneously at the site. As this permit is written, the facility's potential emissions are below 100 tons/year for any pollution generated; therefore, the facility is recognized as a minor source of air pollution by the Department for Title V purposes.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the proposed area of operations, contacted the Montana Natural Heritage Program (MNHP) to identify any species of special concern associated with the initial proposed site location (at Section 36, Township 30 North, Range 21 West, Flathead County, Montana). Search results concluded there are 3 known environmental resources within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer.

Two of the species of concern are the bull trout and the westslope cutthroat trout. These two fish species of concern are found within the confluences of the Flathead River, which is some 3,500 feet away. The nearest tributary (feeder stream) is more than 100 meters away from the proposed operational site location. Therefore, because of the distance from the waterways and the relatively flat topography, the proposed operations would have, at most, minor effects on these species of concern.

The bird rookery is within the defined area and is located approximately 1 mile to the south of the proposed project in the S½ of Section 1, Township 29 North, Range 21 West. At most, only minor impacts could be expected from the asphalt plant operation on the great blue heron bird rookery because the facility would be operating on a seasonal and intermittent basis and would utilize pollution control equipment and procedures.

H. Demands on Environmental Resource of Water, Air, and Energy

The asphalt plant operations would only require small quantities of water, air, and energy for proper operation. As described in Section 8.B of this EA, small quantities of water would be used for dust suppression and pollution control for the facility. As described in Section 8.F of this EA, impacts upon the air quality would be minor because the facility is a temporary source with seasonal and intermittent use, and the use of a baghouse and dust suppression would also be applied to minimize these impacts. Therefore, the impacts upon air resources would be minimal. Since the facility would be supplied with power from a diesel generator, the energy demands would be the use of diesel fuel. Since the facility's generator would have limited hours of operation, would not always be operated at its full capabilities, and would have intermittent use, fuel consumption (energy demands) would also be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. According to the correspondence from SHPO, there are no previously recorded historical or archaeological sites within the designated search locale. Additionally, the asphalt plant operations would locate within a previously disturbed industrial site typically used for portable asphalt plant operations. According to past correspondence from the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any archaeological or historic site, given previous industrial disturbance within an area. Therefore, the chances of the operation affecting any historic or archaeological site is minor.

J. Cumulative and Secondary Impacts

The asphalt operations would cause minor cumulative and secondary environmental impacts to the physical and biological aspects of the human environment because the facility would have only seasonal, intermittent, and temporary use. In addition, Addendum 1 to Permit #3261-00 would include more stringent limitations for any operations taking place in or within 10 km of certain $PM_{10}$ nonattainment areas in Montana, which would further reduce pollutant emissions at the proposed (initial) site location. The facility would generate emissions of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$), oxides of nitrogen ($NO_x$), volatile organic compounds (VOC), carbon monoxide (CO), and sulfur oxides ($SO_x$). Noise would also be generated from equipment operations.

Pollutant emissions and noise from the proposed operations would cause minimal disturbance to the site because it is an existing gravel pit located in an area removed from the general population, in an area where other such operations are currently allowed to operate, and because the facility would be considered a minor source of air pollutants by industrial standards. Further, the asphalt plant operation would be limited by Permit #3261-00 to total emissions of 250 tons per year or less from all non-fugitive emissions sources operated at any given site. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations, as outlined in Permit #3261-00 and Addendum 1. The addendum would also outline specific conditions and restrictions applicable to operating or within 10 km of certain $PM_{10}$ NAAs. Therefore, the size of the facility and the corresponding permit operating conditions would, therefore, result in minimal cumulative and secondary impacts to the site and surrounding environment.

9. The following table summarizes the potential economic and social effects of the proposed project on the human environment. The "no action" alternative was discussed previously.

| | | Major | Moderate | Minor | None | Unknown | Comments Included |
|---|---|---|---|---|---|---|---|
| A. | Social Structures and Mores | | | | X | | yes |
| B. | Cultural Uniqueness and Diversity | | | | X | | yes |
| C. | Local and State Tax Base and Tax Revenue | | | X | | | yes |
| D | Agricultural or Industrial Production | | | X | | | yes |
| E. | Human Health | | | X | | | yes |
| F. | Access to and Quality of Recreational and Wilderness Activities | | | X | | | yes |
| G | Quantity and Distribution of Employment | | | X | | | yes |
| H. | Distribution of Population | | | | X | | yes |
| I. | Demands for Government Services | | | X | | | yes |
| J. | Industrial and Commercial Activity | | | X | | | yes |
| K. | Locally Adopted Environmental Plans and Goals | | | X | | | yes |
| L. | Cumulative and Secondary Impacts | | | X | | | yes |

**SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC & SOCIAL EFFECTS:**
The following comments have been prepared by the Department.

A. Social Structures and Mores

The asphalt plant operation would cause no disruption to any social structures or mores in the area of operation because the source would be operating in an area previously permitted for such operations, that would be located away from the general population, would not be a major source of air pollution, and would be required to operate under the conditions of Permit #3261-00 and Addendum 1 (thereby further reducing pollutant emissions). Therefore, no native or traditional communities would be affected by the proposed project operations and no impacts upon the social structures or mores to any surrounding communities would result.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of the area would not be impacted by the proposed asphalt plant operations because the site and surrounding area have already been designated and used for such purposes, and are separated from the general population. Additionally, the facility would be located adjacent to an existing airport and would be considered a portable/temporary source, with seasonal and intermittent operations. The facility would also be required to operate in such a manner as to minimize impacts on the human environment. Thus, no impacts to the cultural uniqueness and diversity to the area would

result.

C. Local and State Tax Base and Tax Revenue

The asphalt plant operations would have little, if any, affect on the local and state tax base and tax revenue because the facility would be a small source by industrial standards and temporary in nature, would need no more than 10 employees to operate, and revenue generated for taxes would be widespread. No full time or permanent employees would be added as a result of issuing Permit #3261-00 and Addendum 1, and any tax revenue that would be generated by the operations would be on a seasonal and intermittent basis for both the local and state economy.

D. Agricultural or Industrial Production

The existing vegetation cover would be impacted by emissions from the asphalt plant. However, given the operations is relatively small in size (by industrial standards) and temporary nature, any impacts would be minor. Additionally, land surrounding initial site location (the Jellison Pit) is primarily used for similar industrial operations and the Glacier International Airport and Highway 2 would be nearby. The land surrounding the operational site is being used for local agricultural production, which includes grain production, and would be minimally affected by the asphalt plant operation. The facility emissions would be minor and pollutant dispersion would occur that would minimize impacts to agricultural production. Therefore, minor effects to local agricultural production would occur from emissions of the asphalt plant at the site, but the site would be reclaimed in an effort to minimize such impacts and to benefit the surrounding environment.

As described in Section 8.F of this EA, the impacts of air emissions from this facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would be minor. Also, because water use would be minimal, as described in 8.B, and the associated soil disturbance would be minimal, as described in 8.C, corresponding vegetative impacts would be minor.

E. Human Health

Permit #3261-00 and Addendum 1 would incorporate conditions to ensure that the asphalt plant operations would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 8.F of this EA, the air emissions from this facility would be minimized by the use of a baghouse and opacity limitations, established in Permit #3261-00. In addition, Addendum 1 to Permit #3261-00 would include more stringent limitations for facility operations taking place in or within 10 km of certain $PM_{10}$ nonattainment areas, including the Kalispell, Columbia Falls, and Whitefish $PM_{10}$ nonattainment areas during wintertime operations. Also, the facility would be operated in multiple locations on a seasonal and temporary basis, which would further minimize impacts to any one area. Therefore, impacts to human health from this project would be minor.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational activities would not be affected because the facility would operate in an existing industrial area on a temporary and seasonal basis. Minor impacts to the quality of recreational and wilderness activities would be realized as a result of noise and visible emissions generated from the operation of the asphalt plant. However, noise impacts from the facility would have little effect on the recreational and wilderness activities at the initially (proposed) operational site, because the facility is adjacent to Highway 2 and the Glacier International Airport. Any impacts upon the quality of recreational activities would be temporary and minor, due to the portable nature of the asphalt plant operations, limitations on the visible emissions from the facility, and the other operational conditions and limitations within Permit #3261-00 and Addendum 1.

G. Quantity and Distribution of Employment

The quality and distribution of employment within the initial (proposed) operational site or any other operational site in this area would be minimally affected, as the operations would be temporary and seasonal in nature. Thus, no greater than 10 employees would be needed for such operations. Additionally, any effects on quality and distribution of employment that would occur would be minor and short-lived.

H. Distribution of Population

Given the fact that the facility would initially be operating in an industrial location and in a sparsely populated location, would have limited hours of operation, and would be operated on a seasonal and intermittent basis, no employees would be expected to permanently relocate to the area. Therefore, no change in population distribution would be expected as a result of the facility operations at this site or any other areas of operation.

I. Demands for Government Services

Government services would be required for acquiring the appropriate permits from government agencies and determining compliance with those permits. There would be an increase in vehicle traffic resulting from the operation of the asphalt plant. However, such demands on the governmental services to regulate traffic would be, at most, minor due to the relatively small size and temporary nature of the operation. This permit and corresponding addendum would address air quality concerns from the asphalt plant at the initial site location and at locations in or within 10 km of certain $PM_{10}$ nonattainment areas. Therefore, overall demands for government services, as a result of issuing air quality Permit #3261-00 and Addendum 1, would be minor.

J. Industrial and Commercial Activity

The asphalt plant would represent only a minor increase in the industrial and commercial activity in the proposed areas of operation because the source is a minor source of air pollution and because of the portable and temporary nature of the facility. Similar industrial and commercial activity is projected to result from production of the asphalt plant at the initial site location, but would be minor as the related facilities would also be small by industrial standards, with intermittent and seasonal operations.

K. Locally Adopted Environmental Plans and Goals

Schellinger would be allowed, by permit, to operate in areas designated by EPA as attainment, unclassified, and those NAA's and locations specified in Addendum 1. Therefore, Permit #3261-00 and Addendum 1 would contain limits, which would be protective of air quality and the ambient air quality standards while the facility is operating in these areas. The permit includes a corresponding Addendum to allow the facility to operate in certain nonattainment areas during the summer months and at 8 specified NAA sites during the winter months.

L. Cumulative and Secondary Impacts

The asphalt plant operations would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area. Such effects would include increased spending in the areas of operation and increased traffic in the areas where the facility operates. However, no new employees are expected to be hired as a result of the addition of the new equipment. Because the source is a portable and temporary source, any social and economic effects would be seasonal and intermittent. The source would initially be operating in an industrial area designated and used for such operations. The area that is removed from the general population. Therefore, associated impacts upon the social and economic environment would be minor and short-lived.

**Recommendation:** No EIS is required.

**If an EIS is not required, explain why the EA is an appropriate level of analysis:** Because this plant is a relatively minor source of air pollution and must use reasonable precautions and other means to control emissions, including those outlined in Addendum 1, there would not be any significant impacts. Permit #3261-00 includes conditions and limitations, which, if properly applied, will safeguard the environment and also allow the proposed asphalt plant to operate.

**Other groups or agencies contacted or which may have overlapping jurisdiction:** Department of Environmental Quality – Permitting and Compliance Division (Industrial and Energy Minerals Bureau), State Historic Preservation Office (Montana Historical Society).

**Individuals or groups contributing to this EA:** Department of Environmental Quality – Permitting and Compliance Division (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau), State Historic Preservation Office (Montana Historical Society).

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